

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

JERRY BROSEH §
v. § CIVIL ACTION NO. 9:11cv92
DIRECTOR, TDCJ-CID §
and
JERRY BROSEH §
v. § CIVIL ACTION NO. 9:11cv114
DIRECTOR, TDCJ-CID §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ORDER OF CONSOLIDATION

The Petitioner Jerry Broseh, proceeding *pro se*, filed these two habeas corpus applications under 28 U.S.C. §2254 complaining of the legality of his confinement. This Court ordered that the cases be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Both cases concern the same disciplinary case which Broseh received for allegedly refusing housing in November of 2010. The record shows that in the first filed case, cause no. 9:11cv92, Broseh filed a motion for extension of time in which to file a supplement to his petition. This motion was granted. Broseh then filed the second petition, apparently intending this to be his supplement; however, he did not place his case number on the petition, and so it was inadvertently opened as a new case.

On August 4, 2011, the Magistrate Judge issued a Report recommending that the two petitions be consolidated. Broseh did not file objections to this Report, but did file a Memorandum of Law after the Report was issued; this memorandum argues the merits of his claim and makes no reference to the consolidation of the cases. To the extent that the memorandum may be viewed as objections, these lack merit.

The Court has conducted a careful *de novo* review of the pleadings in this cause, including the Report of the Magistrate Judge and the Petitioner's memorandum of law. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct and that to the extent that the Petitioner's memorandum may be viewed as objections to the Magistrate Judge's Report, such objections are without merit. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 6) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil actions be and hereby are CONSOLIDATED for all purposes into one application for the writ of habeas corpus, styled as Broseh v. Director, TDCJ-CID, civil action no. 9:11cv92. *See* Rule 42(a), Fed. R. Civ. P. Any pleadings or documents received in either case shall be docketed in cause no. 9:11cv92; no further entries, after this order of consolidation, shall be made on the docket of cause no. 9:11cv114. It is further

ORDERED that, inasmuch as cause no. 9:11cv114 is wholly subsumed within cause no. 9:11cv92, a separate filing fee shall not be charged for cause no. 9:11cv114. This order of consolidation shall not affect the substantive rights of any party to this case. Finally, it is

ORDERED that any motions which may be pending in cause no. 9:11cv114 are hereby DENIED, without prejudice to their re-urging, if necessary, in cause no. 9:11cv92.

So ORDERED and SIGNED this 23 day of September, 2011.



Ron Clark
Ron Clark, United States District Judge